



Appeal Decision

Site visit made on 22 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/V5570/W/22/3301037

90 Huddleston Road, Islington, London N7 0EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Music against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3348/FUL, dated 10 November 2021, was refused by notice dated 29 March 2022.
 - The development proposed is described on the application form as the 'conversion of existing single dwelling house to create 4 new flats comprising; 1 x 3 bed, 4 person unit; 2 x 1 bed, 1 person units; and 1 x 2 bed, 3 person unit.'
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing single dwellinghouse to create 4 flats comprising 1 x 3 bed, 4 person unit; 2 x 1 bed, 1 person units; and 1 x 2 bed, 3 person unit and alterations to the front boundary wall at 90 Huddleston Road, Islington, London N7 0EG in accordance with the terms of the application, Ref P2021/3348/FUL, dated 10 November 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the conversion of the existing single dwellinghouse to create 4 flats comprising 1 x 3 bed, 4 person unit; 2 x 1 bed, 1 person units; and 1 x 2 bed, 3 person unit and alterations to the front boundary wall. The Council dealt with the proposal on this basis, and so shall I. I also note that a similar description is used in the appellant's appeal form.
3. The Council does not object to the proposed external alterations. From my site visit those elements of the proposal would assimilate to an acceptable standard with the site and surrounding area and I have no reason to conclude differently.

Main Issues

4. The main issue is whether a satisfactory standard of accommodation would be provided for future occupiers, with particular regard to internal layout and outlook.

Reasons

5. The appeal site comprises a garden plot occupied by a mid-terrace dwelling. Living accommodation spans across five floors, including the lower ground floor level and the property's roofspace.
6. The proposed lower ground floor unit, Flat 1, would provide three-bedroom accommodation. Outlook from the living/kitchen area would be towards the sunken forecourt at the front of the property, as is currently the case for the existing habitable room here. Whilst outlook from this room would not be directly over Huddleston Road, this floor is positioned only marginally below street level. As a consequence, the properties on the opposite side of the street, and sky, could be viewed through the large bay window. I acknowledge that the cycle store proposed within the forecourt would be visible from this room, as would the bin storage area at street level. However, this would not unacceptably compromise outlook. Overall, I consider the outlook from this room would be reasonable.
7. Outlook from bedroom 2 would be along a side return, while outlook from bedroom 3 would be into the side return and towards the shared boundary with 92 Huddleston Road. I acknowledge that outlook from these rooms would be more constrained than that of either the main living/kitchen area or main bedroom (bedroom 1). However, it is not uncommon in urban terraced locations such as this for bedroom outlook to be over the rear garden, or to be partially enclosed by adjoining built form or boundary fences. Moreover, the standard of accommodation across the flat, as a whole, would be reasonable. Consequently, outlook from these rooms would be satisfactory and occupiers of the proposed dwelling would not experience an unacceptable sense of enclosure.
8. The upper-level unit, Flat 4, would be split over two floors, with an existing staircase providing access between them. Storage would be provided within the eaves space. The Council contends that the layout of this flat, which includes a prominent staircase and dedicated storage provision, would compromise the amount of usable space for future occupiers. However, based on the plans before me and my observations of the existing layout, the rooms comprising Flat 4 would be spacious and light, with good levels of outlook. This is, in part, due to the reasonable size of individual rooms, with both floors served by multiple large windows. I do not find that the existence of the staircase or relatively discreet storage area would compromise the useability or comfort of the proposed flat. Overall, the shape and layout of the proposed flat would provide a functional and useable space for future occupiers.
9. The Council contends that the standard of accommodation would be improved through the reduction in the number of units proposed. However, I am assessing the proposal based on the plans and information before me. There is no dispute between the Council and appellant in respect of the standard of accommodation within proposed Flats 2 and 3 and I have no reason to conclude differently.
10. For the above reasons, I conclude that the standard of accommodation provided to future occupiers would be satisfactory, in accordance with the relevant provisions of Policy DM3.4 of Islington's Development Management Policies (DMP, 2013). This policy, when taken as a whole, seeks to ensure that occupiers are provided with a high standard of accommodation. There is no

London Plan policy before me which would conflict with this objective. This is in a similar vein to paragraph 130 of the National Planning Policy Framework insofar as the provision of a high standard of amenity is concerned.

Other Matters

11. I acknowledge representations made by nearby residents including in respect of increased pressure on parking and refuse, overlooking from balconies, noise pollution, alleged unauthorised works and the impact on housing mix in the area.
12. The Council has no objection to the provision of refuse storage and I have no reason to disagree with those findings. In any case, further details can be requested by condition. In respect of parking, the Council sets out its borough-wide car-free approach and this is dealt with by condition, below.
13. I am assessing the proposed development based on the plans before me. There are no proposed external terrace areas or projecting balconies illustrated within the submitted plans and therefore no overlooking would occur in this respect. Matters relating to any unauthorised works would be a matter for the Council. I have no substantive evidence before me to indicate that the proposed development is, or would be, unacceptably harmful to neighbouring occupiers in respect of noise, forming a domestic use in an established residential street. Any noise associated with proposal would be temporary and limited due to the nature of the works, and I have no substantive evidence before me to demonstrate that noise pollution between flats would occur, with no objection received from the Council's acoustics officer.
14. There is no dispute between the Council and appellant in respect of the principle of the conversion of the property or the proposed dwelling mix. I have no reason to disagree with those findings.
15. Within representations, it has been set out that the personal circumstances of some neighbouring occupiers would be affected by the proposed development. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposed development in this location is a matter to which I give moderate weight in assessing the proposal. However, I have reasoned above the lack of harm that the proposed development would cause, and have found no harm in respect of the PSED factors.

Conditions

16. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal was to be allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others, in that context without altering their fundamental aims.
17. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans for certainty. Condition 3 relating to external materials is necessary in order to

protect the character and appearance of the area. A further condition is necessary to ensure appropriate provision is made for dedicated bicycle and refuse storage.

18. Whilst limited site-specific information is available regarding parking pressure, the appeal site nevertheless falls within a controlled parking zone (CPZ). I note that DMP Policy DM8.5 requires all additional homes to be 'car-free' unless 'exceptional circumstances can be demonstrated.' There is no such evidence before me. Moreover, I note that Policy T6 of the London Plan sets out how 'car-free development should be the starting point for all development proposals'. In that context, a condition requiring that the (3) additional units created be car-free is justified and necessary. I further note that the appellant does not dispute the appropriateness of such a condition. The details are required prior to the commencement of the development as they are necessary to ensure that any potential mitigation is properly designed in prior to the commencement of development.

Conclusion

19. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (HR.03.04); HR.05.02 G; and HR.05.03 D.
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the first occupation of any dwelling hereby permitted details of refuse/recycling and bicycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of any dwelling and shall thereafter be kept available for the storage of refuse/recycling and the parking of bicycles.
- 5) No development shall take place until arrangements have been made to secure 3 of the dwellings hereby approved as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - (i) no future occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - (ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the dwellings hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.